

REMARKS

Claims 1-8, 13, and 14 are pending in the application. Claims 9-12, and 15-19 have been cancelled.

The Examiner has rejected Claim 19 under 35 USC 112, first paragraph. In response, Applicant has cancelled Claim 19 rendering this rejection of the claim moot.

Claims 1-8 have been rejected by the Examiner on the ground of nonstatutory obviousness-type double patenting over Claims 1-10 of U.S. Patent No. 7,084,139. With this amendment, Applicant is filing a Terminal Disclaimer rendering this rejection of the claims moot.

Claims 1-8, 13, 14, and 19 have been rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 7,084,139.

Applicant hereby overcomes this rejection under 35 USC 102(e). Applicant by its attorney is providing the evidence required to establish common ownership (in accordance with MPEP 706.02(I)(II)). Applicant by its attorney affirmatively states:

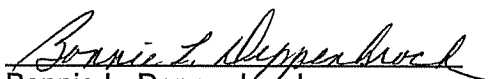
U.S. Serial Number 10/537,645 and U.S. Patent No. 7,084,139
were, at the time the invention of U.S. Serial Number 10/537,645
was made, owned by the same entity, Glaxo Group Limited (dba
GlaxoSmithKline).

That is, the entire rights to the subject matter and claimed invention(s) were commonly owned by the same entity and were subject to an obligation of assignment to the same entity at the time the claimed invention was made. The assignment for U.S. Patent No. 7,084,139 is recorded at Reel/Frame 019353/0814. The assignment for U.S. Serial Number 10/537,645 is recorded at Reel/Frame 016562/0808. Both name Glaxo Group Limited as the assignee of record. In view of the Terminal Disclaimer and statement of common ownership, it is respectfully requested that this rejection of the claims be reconsidered and withdrawn.

In view of the foregoing, it is respectfully requested that the Examiner reconsider and allow the application.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, particularly including any fees required under 37 CFR Sect 1.16 or 1.17, and any necessary extension of time fees, to deposit Account No. 07-1392.

Respectfully submitted,



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Date: August 5, 2009
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